



ACTON PLANNING BOARD

Draft

Minutes of Meeting December 12, 2006 Acton Memorial Library

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chair) Ms. Ruth Martin, Mr. Michael Densen, Mr. Bruce Reichlen and Mr. Alan Mertz attended. Also present were Town Planner, Mr. Roland Bartl.

Absent was Mr. Edmund Starzec (Clerk), Secretary, Ms. Kim DelNigro.

Mr. Niemyski called the meeting to order at 7:30 PM.

I. Citizens Concerns

None raised.

II. Consent Agenda

The minutes of 11/28/06 were approved unanimously as amended.

III. Reports

CPC: Roland Bartl reported they are hearing the CPA applicants' presentations for the upcoming year. Mr. Bartl reported that 13 CPA project applications were submitted for funding. Mr. Bartl discussed a few applications and stated there is a significant larger amount being requested for funding than there is money available. Mr. Bartl stated the next meeting will be on January 4 and they will be interviewing more applicants.

IV. 105 & 107 Summer Street Residential Compound Def. Subdivision Plan – Public Hearing

Mr. Niemyski opened the public hearing at 7:45pm. The applicants/owners Mrs. Jane Gruber, 105 Summer Street and Mrs. Meehan, 107 Summer Street were present. Mr. Rich Harrington of Stamski & McNary, Inc. described the plan: The applicants are proposing a 4-lot Residential Compound. There are presently two houses on the +/- 2.85 acre parcel. The existing dwellings at 105 & 107 Summer Street will remain. The Proof Plan complies with the zoning requirements and design standards of a conventional subdivision layout under the Acton Subdivision Rules. Mr. Harrington addressed the departmental comments concerning the: proposed turnaround; repositioning the house for more privacy for abutters; sidewalk requirement for the subdivision; has increased the minimum zoning setbacks.

Board members questioned the applicant on site clearing; size of the homes; drainage; and sidewalks.

Abutters in attendance raised questions and concerns regarding:

- Worried of the acoustical amenity affecting any changes to his property.
- Screening for neighbors privacy.
- Wording of the Operation and Maintenance Plan.
- Sidewalk on Arlington Street. Board members: Asked abutters in attendance to get input from the residents on where they would prefer the sidewalk.
- The buffer zones for the vegetated wetlands and mature trees.

The Board directed the applicant to provide plan revisions to address the staff comments and other outstanding concerns. The motion was made to continue the public hearing on January 9, 2007 at 8:30 PM at the Memorial Library. The applicants and Mr. Niemyski signed an extension agreement. The motion passed unanimously.

V. Sign Special Permit – 409 Mass. Avenue – Sovereign Bank

Mr. Niemyski opened the public hearing at 8:30pm. Mr. Jason Parrillo, Back Bay Sign, representing the applicant, Sovereign Bank, was present. Board members reviewed the application and staff's comments on the proposed freestanding business sign located at 409 Massachusetts Avenue. The applicant is requesting a sign special permit for one additional freestanding sign for the new Sovereign Bank building on "No Name Road" in Kelley's Corner. The Acton Zoning Bylaw only allows one freestanding sign per lot. The Sovereign Bank is located on the same property as the 411 Massachusetts Avenue building, which already has a freestanding sign at the corner of No Name Road and Mass. Ave. The proposed sign would be a 4 feet high monument sign, 16 square foot in display area, have internal illumination with only the letters and logo illuminating at night, read "Sovereign Bank 24-Hour ATM", and be located in front of the Sovereign Bank building along No Name Road. The proposed sign would be in addition to three other signs on the building that Sovereign Bank has already received licenses from the Acton Building Department. Mr. Parrillo read his written statement to the Planning Board explaining the request for the proposed monument sign. Board members raised questions and concerns regarding:

- Why have another sign?
- What added value does it bring to the business?
- What materials will be used to support the footing for the sign?
- Move location of sign closer to entrance driveway and ATM location more or less in line with the northern sidewall of the building.

Mr. Niemyski moved to close the public hearing, 2nd, all voted in favor.
Staff will draft a decision for next meeting.

VI. Potential zoning articles - discussion

Board members discussed and reviewed the staff memo regarding possible zoning changes that could be prepared for 2007 Annual Town Meeting. Mr. Bartl explained.

- Tear-downs and reconstruction on undersized lots – Mr. Bartl stated that houses on nonconforming lots cannot be razed and replaced without a variance from the Board of Appeals. Variances are for hardship cases, but these situations hardly qualify as true hardships. Mr. Bartl suggested to set up a special permit with certain criteria that take into account the nonconforming lot status and provide a reference to the neighborhood context in terms of size, bulk and setbacks.
- Owner Occupancy in Multi-Family Residence – Mr. Bartl stated that owner occupancy in multi-family residences is a zoning requirement in only two of Acton zoning districts where multifamily uses are allowed. Mrs. Nancy Tavernier, Chairman for Acton Community Housing Corporation (ACHC) was present. Mrs. Tavernier recommended the deletion of the requirement because it acts a barrier to affordable housing, and to work toward new concepts of encouraging affordable housing.
- Flexible parking design – Mr. Bartl stated the Town Engineer has developed a concept for flexible parking lot requirements. The study object is the parking lot behind the Town Hall and the Memorial Library where preliminary expansion study is being worked on to see how growing demand can be met. The resulting flexible design seems to have less impervious cover and more continuous open space and landscaping area. There would be less drainage provisions and less tolling on resources. Parking lots are built or expanded under a special permit or site plan where the Town Boards' discretionary powers to approve or deny a flexible design alternative already exists.
- Cell Towers - Mr. Bartl and Chairman Niemyski introduced several proposed changes in the zoning regulations for cell towers. The Board members will send staff additional concerns and suggestions.

The Planning Board directed staff to draft articles for warrant submission and discussion at a future meeting.

Mr. Densen moved to close the meeting, Mr. Schaffner 2nd; all voted in favor.

The meeting adjourned at 9:40PM.

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